

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 197

H. P. 177

House of Representatives, January 12, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. D. Brown of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Requiring Imprisonment for Persons Refusing to Pay Fines.

Be it enacted by the People of the State of Maine, as follows:

17-A MRSA § 1304, sub-§ 1, first 2 sentences, as enacted by PL 1975, c. 499, § 1, is amended to read:

When a convicted person sentenced to pay a find defaults in the payment thereof or of any installment, ~~the court, upon the motion of the official to whom the money is payable, as provided in section 1303, or upon its own motion, may shall move the court for an order under this section or the court itself shall institute proceedings under this section. In either circumstance, the court shall~~ require him to show cause why he should not be sentenced to be imprisoned for nonpayment and ~~may shall~~ issue a summons or a warrant of arrest for his appearance. Unless such person shows that his default was not attributable to a ~~willful~~ willful refusal to obey the order of the court or to a failure on his part to make a good faith effort to obtain the funds required for the payment, the court shall find that his default was unexcused and ~~may shall~~ order him imprisoned until the fine or a specified part thereof is paid.

STATEMENT OF FACT

This bill requires a court to order the imprisonment of any person who is sentenced to pay a fine but refuses to do so.